

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JIM S. ADLER, P.C. and JIM ADLER,

Plaintiffs,

V.

MCNEIL CONSULTANTS, LLC D/B/A
ACCIDENT INJURY LEGAL CENTER,
QUINTESSA MARKETING, LLC D/B/A
ACCIDENT INJURY LEGAL CENTER,
and LAUREN MINGEE,

Defendants.

Civil Action No.: 3:19-cv-02025-K-BN

JURY DEMANDED

**UNOPPOSED MOTION FOR LEAVE TO FILE MOTION
FOR SANCTIONS FOR SPOILIATION OF EVIDENCE UNDER SEAL**

Plaintiffs Jim S. Adler, P.C. and Jim Adler (collectively, “Adler”) respectfully move this Court for an Order allowing the filing of Adler’s Motion for Sanctions for Spoliation of Evidence under seal. Because Adler’s Motion for Sanctions includes voluminous evidence designated by Defendants as “Confidential” or “Confidential-Attorneys’ Eyes Only,” counsel for Adler emailed Defendants’ counsel on December 14, 2022 regarding the Motion. On December 15, Defendants’ counsel stated that Defendants will not de-designate the evidence but do not oppose this motion.

In support of this motion, Adler submits as follows: throughout Adler's Motion for Sanctions, Adler describes, quotes, and cites deposition transcripts designated by Defendants "Confidential" or "Confidential-Attorneys' Eyes Only." Adler also describes, quotes, and cites several deposition exhibits, an expert report, and numerous documents designated by Defendants "Confidential" or "Confidential-Attorneys' Eyes Only." Such evidence includes but is not limited to information regarding Defendants' business strategies and records, call script, intake procedures, revenue and keyword purchases, and internal communications.

Given the nature of the information and Adler's Motion for Sanctions, as well as Defendants' designation of such evidence as "Confidential" or "Confidential-Attorneys' Eyes Only," Plaintiffs seek leave to file their Motion for Sanctions under seal. A Proposed Order is attached to this motion.

Dated: December 20, 2022

Respectfully submitted,

/s/ Jered E. Matthysse
Jered E. Matthysse
Texas Bar No. 24072226
jmatthysse@pirkeybarber.com
Giulio Yaquinto
Texas Bar No. 24107292
gyaquinto@pirkeybarber.com
PIRKEY BARBER PLLC
1801 East 6th Street, Suite 300
Austin, Texas 788702
(512) 322-5200
(512) 322-5201 (fax)

Kurt Kuhn
Texas Bar No. 24002433
kurt@kuhnhobbs.com
KUHN HOBBS PLLC
7000 N. MoPac Expy., Suite 315
Austin, Texas 78731
(512) 476-6000
(512) 476-6002 (fax)

and

/s/ Garrett W. Mize
Garrett W. Mize
Texas Bar No. 24089610
gmize@jimadler.com
JIM S. ADLER & ASSOCIATES
The Tower at City Place
2711 North Haskell Avenue, Suite 2500
Dallas, Texas 75204
(214) 220-3224
(214) 220-3233 (fax)

COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2022, a true and correct copy of the foregoing was served electronically, via ECF, on all counsel of record who are deemed to have consented to such service under the court's local rules.

/s/ Jered E. Matthysse

Jered E. Matthysse